

UNITED STATES DEPARTMENT OF JUSTICE
DRUG ENFORCEMENT ADMINISTRATION

Dof Justice

STAT TO: -CIA Date: 5/5/78

per our conversation

OLC #78-1924

STAT

From:

MAY 5 1978

The Honorable
John J. Sparkman, Chairman
Committee on Foreign Relations
Washington, D.C. 20510

Dear Chairman Sparkman:

It has come to my attention that the following amendment will be offered to S. 2846 (the Foreign Assistance Act of 1961) in Subcommittee mark-up on this legislation on May 5, 1978.

"(c)(1) notwithstanding any other provision of law no officer or employee of the United States may engage or participate in any direct police activity or operation, including any arrest action, interrogation of any person arrested, undercover surveillance, or purchase of information or evidence in any foreign country with respect to narcotics control efforts."

The following are some of the effects which the passage of such an amendment would have:

1. It would preclude the gathering of any narcotic intelligence concerning illicit shipments to the United States. This would tie the hands of the U.S. Customs, DEA and INS at points of entry into the United States.
2. Drug enforcement efforts of Foreign agencies would be reduced. Many foreign police officials depend on DEA intelligence for most of their own enforcement activities. The recent 574 ton marihuana seizure in Colombia was a good case in point. I am attaching an editorial of the May 3 WASHINGTON POST concerning this case.
3. Most major conspiracy cases involving the highest level narcotics traffickers integrate intelligence and enforcement activities in both the United States and in foreign countries. The example of the Alberto Sicilia-Falcon case in which Sicilia-Falcon, one

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of the most important marihuana, cocaine and heroin distributors operating from Mexico to the United States, was convicted along with 150 of his associates, as well as the freezing of \$25 million of his assets in Swiss bank accounts. This investigation could not have been successful without DEA's present overseas posture.

4. We would not be able to develop intelligence overseas in order to locate fugitives from U.S. justice who have fled to foreign jurisdictions.
5. The development of international conspiracies would not be possible since foreign evidence and witnesses could not be developed.
6. Crop eradication programs would not be monitored for effectiveness since no effective intelligence could be developed through informants. Hence, a most effective control mechanism of recent times would be compromised.
7. Under the amendment, the Defense Department would not be able to investigate drug violations of U.S. military personnel stationed abroad.
8. The CIA would have to cease its narcotic intelligence gathering, since such activity would be interpreted to be a "police" function.
9. Passage of this amendment would reduce our efforts to that of tokenism and our presence to that of a mere public safety posture, with responsibility for advice, training and commodity support.

Experience has shown that narcotics trafficking into the United States cannot be dealt with in isolation. Rather, it must be attacked all along the chain of distribution. This is only possible as a cooperative effort by law enforcement agencies of the many nations along the route. Accordingly, we have made improving agencies and their counterparts in other nations, a central element of our overall drug strategy.

The direction of this administration, as well as that of the Congress, is that the most successful way to reduce drug availability in the United States is to stop drugs at their source overseas. This philosophy has been proving successful with the most dangerous drug in the United States--heroin--in that the retail purity has reduced from 6.6 percent to the present 4.9 percent in approximately two years--the lowest heroin availability since the records have been kept.

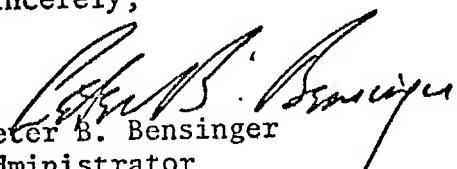
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More importantly, this trend is further substantiated by a 40 percent reduction in deaths from heroin overdose in the United States and a substantial reduction in injuries over the past year.

We think the adoption of this amendment would have a deleterious effect on the present substantial success the United States Government is having with its foreign counterparts in reducing the flow of drugs to the United States.

Thank you for your consideration.

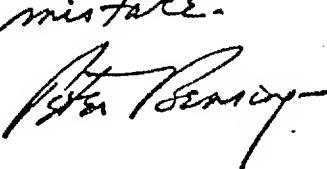
Sincerely,


Peter B. Bensinger
Administrator

Attachment

cc: Senator Clifford Case

I consider this amendment to be
most serious and to substantially increase the
likelihood of increased drug abuse in the United
States. It would be a serious mistake.



The Washington Post

May 3, 1978

A Record Drug Bust

LAST WEEK Colombian government officials, acting on a tip from U.S. drug agents, seized over 1 million pounds of marijuana that was about to be shipped from that country to the United States. The 574-ton haul, captured in a remote province of the South American country, apparently is the largest quantity of illicit drugs ever confiscated in one raiding operation. Its wholesale value was estimated at about \$200 million. U.S. drug officials said the amount equalled from 10 to 25 percent of the marijuana annually smuggled into the United States. Put another way, the marijuana the Colombian authorities seized was enough to make 1 million marijuana cigarettes a day for an entire year.

This record seizure, however, has an even greater significance than that of preventing so much marijuana from reaching the United States. During the last decade Colombia has become a major producer of marijuana and a major way station for heroin and cocaine bound for the United States from other South American countries—and that has great consequence for both its economy and its democratic form of gov-

ernment. The revenue produced by the illicit drug trade—about \$1 billion annually—is greater than the value of coffee exports, the country's main legal source of foreign exchange. And the power of the major drug traffickers until recently has seemingly made them immune from arrest and prosecution.

Bolstered by U.S. aid for anti-drug efforts, the Colombian government has been struggling to reduce the malignant influence of drug traffickers within the country. Colombia's attorney general personally directed last week's operation, in which 13 people, including three Americans, were arrested. Tough drug laws and a better-trained (and more corruption-free) police narcotics unit have produced several other spectacular drug busts within the past year. These actions won't end Colombia's problems with illicit drugs and drug traffickers, but they do indicate a new-found willingness among government officials there to deal with the problem. That spirit is the key to the most effective strategy for reducing the flow of illegal drugs into this country: choking it off at its overseas source.

AMENDMENT TO S. 2846

At the appropriate place in the bill, insert the following:

Section 482 of the Foreign Assistance Act of 1961 is amended by adding at the end thereof the following: "Funds authorized under this section shall not be made available for the procurement of weapons or ammunition for the purposes of this section."

AMENDMENT TO S. 2846

At the appropriate place in the bill, insert the following:

Section 481 of the Foreign Assistance Act of 1961 is amended by adding at the end thereof the following:

"(d) Notwithstanding the provisions of subsection (a), no funds authorized in this Act may be made available for programs involving the spraying of herbicides to eradicate narcotic producing plants if such herbicides may seriously harm the health of persons using such narcotics."